IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

2:23-CV-80

IN RE: PHILIPS RECALLED CPAP,

Master Docket: Misc. No. 21-mc-1230-JFC

BI-LEVEL PAP, AND MECHANICAL

VENTILATOR PRODUCTS

MDL No. 3014

LITIGATION

SHORT FORM COMPLAINT FOR

This Document Relates to:

PERSONAL INJURIES, DAMAGES,

JAMES JUST

AND DEMAND FOR JURY TRIAL

Plaintiff(s) incorporate(s) by reference the Amended Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial filed in In re Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Litigation, MDL No. 3014, Master Docket Misc. No. 21-mc-1230 (the "Master Long Form Complaint"). This Short Form Complaint adopts the allegations, claims, and requested relief as set forth in the Master Long Form Complaint. As necessary herein, Plaintiff(s) may include: (a) additional claims and allegations against Defendants; and/or (b) additional claims and allegations against other Defendants not listed in the Master Long Form Complaint.

Plaintiff(s) further allege(s) as follows:

I. **DEFENDANTS**

- 1. Plaintiff(s) name(s) the following Defendants in this action:
 - Koninklijke Philips N.V.
 - Philips North America LLC.
 - Philips RS North America LLC.

		Philips Holding USA Inc.			
		Philips RS North America Holding Corporation.			
		Polymer Technologies, Inc.			
		Polymer Molded Products LLC.			
II.	PLA	PLAINTIFF(S)			
	2.	Name of Plaintiff(s): James Just			
	3.	Name of spouse of Plaintiff (if loss of consortium claim is being made):			
	4.	Name and capacity (i.e., executor, administrator, guardian, conservator, etc.) of other Plaintiff, if any:			
	5.	State(s) of residence of Plaintiff(s) (if the Recalled Device user is deceased, residence at the time of death): Washington			
III.	DES	IGNATED FORUM			
	6.	Identify the forum (United States District Court and Division) in which the Plaintiff would have filed in the absence of direct filing: US District Court of Washington, Western District			

IV. USE OF A RECALLED DEVICE

7. Plaintiff used the following Recalled Device(s):

	E30 (Emergency Use Authorization)	Dorma 500
	DreamStation ASV	REMstar SE Auto
	DreamStation ST, AVAPS	Trilogy 100
	SystemOne ASV4	Trilogy 200
	C-Series ASV	Garbin Plus, Aeris, LifeVent
	C-Series S/T and AVAPS	A-Series BiPAP Hybrid A30 (not marketed
	OmniLab Advanced +	in U.S.)
	SystemOne (Q-Series)	A-Series BiPAP V30 Auto
X	DreamStation	A-Series BiPAP A40
	DreamStation Go	A-Series BiPAP A30
	Dorma 400	Other Philips Respironics Device; if other,
		identify the model:
V.	INJURIES	
		physical injuries as a result of using a Recalled ant symptoms and consequences associated
	COPD (new or worsening)	
	Asthma (new or worsening)	
	Pulmonary Fibrosis	
	Other Pulmonary Damage/I	nflammatory Response
	Cancer lung	(specify cancer)
	Kidney Damage	
	Liver Damage	

	Heart Damage		
	Death		
	Other (specify)		
	-		
CAU	USES OF ACTION/D	AMAGES	
9. As to Koninklijke Philips N.V., Plaintiff(s) adopt(s) the following claim the Master Long Form Complaint for Personal Injuries, Damages for Jury Trial, and the allegations and prayer for relief with regard to forth therein:		Form Complaint for Personal Injuries, Damages and Demand	
	Count I:	Negligence	
	Count II:	Strict Liability: Design Defect	
	Count III:	Negligent Design	
	Count IV:	Strict Liability: Failure to Warn	
	Count V:	Negligent Failure to Warn	
	Count VI:	Negligent Recall	
	Count VII:	Battery	
	Count VIII:	Strict Liability: Manufacturing Defect	
	Count IX:	Negligent Manufacturing	
	Count X:	Breach of Express Warranty	
	Count XI:	Breach of the Implied Warranty of Merchantability	
	Count XII:	Breach of the Implied Warranty of Usability	
	Count XIII:	Fraud	
	Count XIV:	Negligent Misrepresentation	

VI.

	Count XV:	Negligence Per Se
	Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
	Count XVII:	Unjust Enrichment
	Count XVIII:	Loss of Consortium
	Count XIX:	Survivorship and Wrongful Death
	Count XX:	Medical Monitoring
	Count XXI:	Punitive Damages
	Count XXII:	Other [specify below]
	All other specific legal theories based upon the occurrences alleged are reserved for allegation, however plaintiff now asserts the right to prejudgment interest on all eco damages from the date incurred until entry of judgment	
0.	_	h America LLC, Plaintiff(s) adopt(s) the following claims or Long Form Complaint for Personal Injuries. Damages and
0.	asserted in the Mast	h America LLC, Plaintiff(s) adopt(s) the following claims er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto,
0.	asserted in the Mast Demand for Jury Trie	er Long Form Complaint for Personal Injuries, Damages and
0.	asserted in the Mast Demand for Jury Tria as set forth therein:	er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto,
0.	asserted in the Mast Demand for Jury Tria as set forth therein: Count I:	er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence
0.	asserted in the Mast Demand for Jury Trias set forth therein: Count I: Count II:	er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect
0.	asserted in the Mast Demand for Jury Trias set forth therein: Count I: Count II: Count III:	er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design
0.	asserted in the Mast Demand for Jury Trias set forth therein: Count I: Count II: Count III: Count IV:	er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn
0.	asserted in the Mast Demand for Jury Trias set forth therein: Count I: Count II: Count III: Count IV: Count IV:	er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn
0.	asserted in the Mast Demand for Jury Trias set forth therein: Count I: Count II: Count III: Count IV: Count IV: Count V:	er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Negligent Recall

Count X:	Breach of Express Warranty
Count XI:	Breach of the Implied Warranty of Merchantability
Count XII:	Breach of the Implied Warranty of Usability
Count XIII:	Fraud
Count XIV:	Negligent Misrepresentation
Count XV:	Negligence Per Se
Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
Count XXI:	Punitive Damages
Count XXII:	Other [specify below]
allegation, howeve	egal theories based upon the occurrences alleged are reserved for future r plaintiff now asserts the right to prejudgment interest on all economic date incurred until entry of judgment
asserted in the Mast	orth America LLC, Plaintiff(s) adopt(s) the following claims er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto,
Count I:	Negligence
Count II:	Strict Liability: Design Defect
Count III:	Negligent Design
Count IV:	Strict Liability: Failure to Warn

Count V:	Negligent Failure to Warn
Count VI:	Negligent Recall
Count VII:	Battery
Count VIII:	Strict Liability: Manufacturing Defect
Count IX:	Negligent Manufacturing
Count X:	Breach of Express Warranty
Count XI:	Breach of the Implied Warranty of Merchantability
Count XII:	Breach of the Implied Warranty of Usability
Count XIII:	Fraud
Count XIV:	Negligent Misrepresentation
Count XV:	Negligence Per Se
Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
Count XXI:	Punitive Damages
Count XXII:	Other [specify below]

All other specific legal theories based upon the occurrences alleged are reserved for future allegation, however plaintiff now asserts the right to prejudgment interest on all economic damages from the date incurred until entry of judgment

12.

in the Master Long l	g USA Inc., Plaintiff(s) adopt(s) the following claims asserted Form Complaint for Personal Injuries, Damages and Demand he allegations and prayer for relief with regard thereto, as set
Count I:	Negligence
Count II:	Strict Liability: Design Defect
Count III:	Negligent Design
Count IV:	Strict Liability: Failure to Warn
Count V:	Negligent Failure to Warn
Count VI:	Negligent Recall
Count VII:	Battery
Count VIII:	Strict Liability: Manufacturing Defect
Count IX:	Negligent Manufacturing
Count X:	Breach of Express Warranty
Count XI:	Breach of the Implied Warranty of Merchantability
Count XII:	Breach of the Implied Warranty of Usability
Count XIII:	Fraud
Count XIV:	Negligent Misrepresentation
Count XV:	Negligence Per Se
Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring

	Count XXI:	Punitive Damages
	Count XXII:	Other [specify below]
	allegation, however	egal theories based upon the occurrences alleged are reserved for future plaintiff now asserts the right to prejudgment interest on all economic late incurred until entry of judgment
13.	following claims asse	orth America Holding Corporation, Plaintiff(s) adopt(s) the erted in the Master Long Form Complaint for Personal Injuries, and for Jury Trial, and the allegations and prayer for relief with forth therein:
	Count I:	Negligence
	Count II:	Strict Liability: Design Defect
	Count III:	Negligent Design
	Count IV:	Strict Liability: Failure to Warn
	Count V:	Negligent Failure to Warn
	Count VI:	Negligent Recall
	Count VII:	Battery
	Count VIII:	Strict Liability: Manufacturing Defect
	Count IX:	Negligent Manufacturing
	Count X:	Breach of Express Warranty
	Count XI:	Breach of the Implied Warranty of Merchantability
	Count XII:	Breach of the Implied Warranty of Usability
	Count XIII:	Fraud
	Count XIV:	Negligent Misrepresentation

Count XV: Negligence Per Se

	Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law		
	Count XVII:	Unjust Enrichment		
	Count XVIII:	Loss of Consortium		
	Count XIX:	Survivorship and Wrongful Death		
	Count XX:	Medical Monitoring		
	Count XXI:	Punitive Damages		
	Count XXII:	Other [specify below]		
	allegation, however	legal theories based upon the occurrences alleged are reserved for future er plaintiff now asserts the right to prejudgment interest on all economic date incurred until entry of judgment		
	As to Polymer Technologies, Inc., Plaintiff(s) adopt(s) the following claims asserted in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial, and the allegations and prayer for relief with regard thereto as set forth therein:			
4.	asserted in the Mass Demand for Jury Tri as set forth therein:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto		
4.	asserted in the Mass Demand for Jury Tri as set forth therein:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto Negligence		
4.	asserted in the Mass Demand for Jury Tri as set forth therein: Count I: Count II:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto		
4.	asserted in the Mass Demand for Jury Tri as set forth therein:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto Negligence		
4.	asserted in the Mass Demand for Jury Tri as set forth therein: Count I: Count II:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto Negligence Strict Liability: Design Defect		
4.	asserted in the Mass Demand for Jury Tri as set forth therein: Count I: Count II:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto Negligence Strict Liability: Design Defect Negligent Design		
4.	asserted in the Mass Demand for Jury Tri as set forth therein: Count I: Count II: Count III: Count IV:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn		
4.	asserted in the Mass Demand for Jury Tri as set forth therein: Count I: Count II: Count IV: Count IV:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn		
4.	asserted in the Mass Demand for Jury Tri as set forth therein: Count I: Count II: Count IV: Count IV: Count V: Count VIII:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Strict Liability: Manufacturing Defect		
4.	asserted in the Mass Demand for Jury Tri as set forth therein: Count II: Count III: Count IV: Count IV: Count V: Count VIII: Count IX:	ter Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Strict Liability: Manufacturing Defect Negligent Manufacturing		

	Count XVIII:	Loss of Consortium
	Count XIX:	Survivorship and Wrongful Death
	Count XX:	Medical Monitoring
	Count XXI:	Punitive Damages
	Count XXII:	Other [specify below]
	allegation, howeve	egal theories based upon the occurrences alleged are reserved for future r plaintiff now asserts the right to prejudgment interest on all economic date incurred until entry of judgment
15.	asserted in the Mast	ded Products LLC, Plaintiff(s) adopt(s) the following claims er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto,
	Count I:	Negligence
	Count II:	Strict Liability: Design Defect
	Count III:	Negligent Design
	Count IV:	Strict Liability: Failure to Warn
	Count V:	Negligent Failure to Warn
	Count VIII:	Strict Liability: Manufacturing Defect
	Count IX:	Negligent Manufacturing
	Count XIII:	Fraud
	Count XIV:	Negligent Misrepresentation
	Count XVII:	Unjust Enrichment
	Count XVIII:	Loss of Consortium
	Count XIX:	Survivorship and Wrongful Death
	Count XX:	Medical Monitoring

Count XXI: Punitive Damages

Count XXII: Other [specify below]

All other specific legal theories based upon the occurrences alleged are reserved for future allegation, however plaintiff now asserts the right to prejudgment interest on all economic damages from the date incurred until entry of judgment

16. If additional claims against the Defendants identified in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial are alleged above, the additional facts, if any, supporting these allegations must be pleaded. Plaintiff(s) assert(s) the following additional factual allegations against the Defendants identified in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial:

17. Plaintiff(s) contend(s) that additional parties may be liable or responsible for Plaintiff(s)' damages alleged herein. Such additional parties, who will be hereafter referred to as Defendants, are as follows (must name each Defendant and its citizenship):

18. Plaintiff(s) assert(s) the following additional claims and factual allegations against other Defendants named in Paragraph 16 above:

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants and all such further relief that this Court deems equitable and just as set forth in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial and any additional relief to which Plaintiff(s) may be entitled.

Date: Jan 17 2023

s/ Jeffrey A. Bowersox

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